

**RECEIVED  
CENTRAL FAX CENTER**

**APR 05 2005**

**MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Patent Attorneys  
4140 Parklake Avenue, Suite 600, Raleigh, NC 27612**

**P.O. Box 37428  
Raleigh, NC 27627  
919-854-1400  
Facsimile 919-854-1401**

**TELECOPIER TRANSMISSION  
COVER SHEET**

**Date: April 4, 2005**

**Application No. 09/674,237  
File Number: 3477-89**

**Telecopier No.: 517-273-0830**

**Telephone No.: (571) 272-0830**

**To: Examiner Davis  
U.S. Patent and Trademark Office  
Group Art Unit 1642**

**From: Karen A. Magri, Esq.**

**Number of Pages: 7**

**Return fax to: Sarah B.**

If there is a problem with this transmission, please call (919) 854-1400.  
Our fax number is (919) 854-1401.

**Examiner Davis,  
Please find attached a copy of the Amendment for Application No. 09/674,237 as  
filed in the USPTO via facsimile on April 4, 2005.  
Please do not hesitate to contact our office if you have any questions or concerns  
regarding this matter.**

**Kind regards,**

**Sarah Brunmeier  
Legal Assistant to Karen A. Magri, Esq.**

**Confidentiality Note**

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

*Received in cpe  
04/14/05*

APR 05 2005

Attorney's Docket No. 3477-89

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Egan et al.  
 Serial No. 09/674,237  
 Filed: July 24, 2001  
 For: *ESE GENES AND PROTEINS*

Group: 1642  
 Examiner: M.T. Davis  
 Confirmation No. 4932

Date: April 4, 2005

**VIA FACSIMILE 703-872-9306**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

☒ Applicant claims small entity status. See 37 CFR §1.27.☒ No additional fee is required.☐ The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
Total	8	58	= 0	x 25=	\$ 0.00	x 50=	\$ .00
Indep	2	26	= 0	x 100=	\$ 0.00	x 200=	\$ .00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+180=	\$ 0.00	+360=	\$
				Total Add. Fee	\$ 0.00	OR Total	\$ .00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

In re: Egan et al.  
Serial No. 09/674,237  
Filed: July 24, 2001  
Page 2

---

- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$\_\_\_\_\_ for \_\_\_\_\_.
- ☐ A check in the amount \$\_\_\_\_\_ to cover \_\_\_\_\_ is enclosed.
- ☒ The Commissioner is hereby authorized to charge the appropriate fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Karen A. Magri  
Registration No. 41,965

**CERTIFICATION OF FACSIMILE TRANSMISSION  
UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark Office via the  
central facsimile number 703-872-9306 on April 4, 2005.

  
\_\_\_\_\_  
Sarah Brunmeier

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**RECEIVED  
CENTRAL FAX CENTER**

**APR 05 2005**

Attorney's Docket No. 3477-89

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Egan et al.  
Serial No. 09/674,237  
Filed: July 24, 2001  
For: *ESE GENES AND PROTEINS*

Group: 1642  
Examiner: M.T. Davis  
Confirmation No. 4932

Date: April 4, 2005

**VIA FACSIMILE 703-872-9306**  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

This amendment is submitted responsive to the telephone interview with Examiner Susan Unger on April 1, 2005. It is respectfully requested that this application be reconsidered in view of the following amendments and remarks.